

## **Article 8.           Evaporative Emission Requirements for Off-Road Equipment**

### **§2480.           Purpose.**

The purpose of these regulations is to set performance standards and design criteria for new equipment utilizing gasoline-fueled, spark-ignited small off-road engines rated at less than 25 horsepower.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

### **§2481.           Applicability.**

- (a) On or after the effective date set out below, no person shall:
- (1) manufacture for sale or lease for use or operation in California, or
  - (2) sell or lease or offer for sale or lease for use or operation in California, or
  - (3) deliver or import into California for introduction into commerce in California, or
  - (4) use or operate in California

equipment that use small off-road engines subject to this Article unless such equipment has been certified and labeled pursuant to this Article.

- (b) This Article does not apply to equipment that use compression-ignition engines, or engines powered with compressed natural gas (CNG), propane, liquefied petroleum gas (LPG), or liquefied natural gas (LNG).
- (c) This Article does not apply to equipment that use small off-road engines manufactured in California for sale and use outside of California.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2482. Definitions.**

The definitions in Section 2401 (a), Chapter 9, Title 13 of the California Code of Regulations, apply to this Article with the following additions:

- (a) “Diurnal Emissions” means evaporative emissions resulting from the daily cycling of ambient temperatures.
- (b) “Evaporative Emissions” means emissions that result from the evaporation of reactive organic gases into the atmosphere.
- (c) “Evaporative Family” means a class of off-road equipment that are grouped together based on similar fuel system characteristics as they relate to evaporative emissions.
- (d) “Hot Soak Emissions” means evaporative emissions for a one-hour period after termination of engine operation.
- (e) “Hydrocarbon” means a molecule composed entirely of carbon and hydrogen atoms.
- (f) “Manufacturer” means any company or individual that manufactures equipment that use small off-road engines.
- (g) “Nominal Capacity” means the volume of fuel indicated by the manufacturer that represents the maximum recommended fill level.
- (h) “Permeation Emissions” means evaporative emissions that result from reactive organic gas molecules penetrating through the walls of fuel system components and evaporating on outside surfaces. Permeation emissions are a component of diurnal emissions.
- (i) “Permeation Rate” means the total mass of reactive organic gas molecules passing through the internal surface area of a fuel tank in a 24-hour period.
- (j) “Reactive Organic Gases (ROG)” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

- |     |  |              |
|-----|--|--------------|
| (1) | methane;                                   | <u>CAS</u> * |
|     | methylene chloride (dichloromethane);      | [ 74-82-8 ]  |
|     | 1,1,1-trichloroethane (methyl chloroform); | [ 75-09-2 ]  |
|     | trichlorofluoromethane (CFC-11);           | [ 71-55-6 ]  |
|     |  | [ 75-69-4 ]  |

dichlorodifluoromethane (CFC-12);	[ 75-71-8 ]
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);	[ 76-13-1 ]
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);	[ 76-14-2 ]
chloropentafluoroethane (CFC-115);	[ 76-15-3 ]
chlorodifluoromethane (HCFC-22);	[ 75-45-6 ]
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);	[ 306-83-2 ]
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);	[ 2837-89-0 ]
1,1-dichloro-1-fluoroethane (HCFC-141b);	[ 1717-00-6 ]
1-chloro-1,1-difluoroethane (HCFC-142b);	[ 75-68-3 ]
trifluoromethane (HFC-23);	[ 75-46-7 ]
pentafluoroethane (HFC-125);	[ 354-33-6 ]
1,1,2,2-tetrafluoroethane (HFC-134);	[ 359-35-3 ]
1,1,1,2-tetrafluoroethane (HFC-134a);	[ 811-97-2 ]
1,1,1-trifluoroethane (HFC-143a);	[ 420-46-2 ]
1,1-difluoroethane (HFC-152a);	[ 75-37-6 ]
cyclic, branched, or linear completely methylated siloxanes;	[ various ]
the following classes of perfluorocarbons:	[ various ]
(A) cyclic, branched, or linear, completely fluorinated alkanes;	
(B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;	
(C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and	
(D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and	
(2) the following low-reactive organic compounds which have been exempted by the U.S. EPA:	
acetone;	[ 67-64-1 ]
ethane;	[ 74-84-0 ]
methyl acetate;	[ 79-20-9 ]
perchloroethylene; and	[ 127-18-4 ]
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene).	[ 98-56-6 ]

\* NOTE: Chemical Abstract Service (CAS) identification numbers have been included in brackets [ ] for convenience.

- (k) "Running loss evaporative emissions" means evaporative emissions that occur during equipment operation.
- (l) "SHED" (Sealed Housing Evaporative Determination) means the enclosure and associated equipment used to determine evaporative emissions. A SHED must meet the design specifications in 40 Code of Federal Regulations Part 86.107-96.
- (m) "Total Hydrocarbons" means the total mass of open chain and cyclic hydrocarbon molecules.
- (n) "Walk-Behind Mower" means a grass-cutting product which has:
  - (1) a gasoline powered vertical shaft engine with a blade stop or brake mechanism;
  - (2) an engine displacement greater than 65 cc and less than 225 cc;
  - (3) an integrated fuel tank

(4) a horizontally fixed blade and/or string directly attached to the crankshaft of a vertical shaft engine.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2483. Certification Requirements and Procedures.**

Prior to the sale or lease, or the offering for sale or lease, for use or operation in California or the delivery or importation for introduction into commerce in California or the use or operation in California, all equipment that use small off-road engines subject to this Article must be certified annually to either the performance-based standards set out in Sections 2484, 2485 or 2486 below or the design-based standards set out in Section 2488 below by the Air Resources Board. Applicants for certification must follow the certification procedures outlined in "Small Off-Road Engine Evaporative Emissions Control System Certification Procedures, CP-901", which are incorporated by reference herein.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2484. Evaporative Emission Performance Standards.**

On or after the effective date set out herein, the diurnal evaporative emissions from any equipment that use small off-road engines subject to this Article with a displacement greater than 65 cubic centimeters ("cc") must not exceed the following evaporative emissions standards:

Evaporative Emission Standards  
(grams per 24-hour diurnal test)

Effective Date	Applicability	Requirement Hydrocarbons <sup>(1)</sup>
January 1, 2006	All Walk-Behind Mowers with Small Off-Road Engines >65 cc to < 225 cc	Diurnal emissions shall not exceed 1.0 grams hydrocarbons per day as determined by TP-902

January 1, 2007	All Equipment that use Small Off-Road Engines with Displacements > 65 cc to < 225 cc	Diurnal emissions shall not exceed 1.0 grams hydrocarbons per day as determined by TP-902
January 1, 2008	All Equipment that use Small Off-Road Engines with Displacements $\geq$ 225 cc	Diurnal emissions shall not exceed 2.0 grams hydrocarbons per day as determined by TP-902

- (1) The applicable evaporative emission standards for alcohol-fueled equipment are expressed in terms of Organic Material Hydrocarbon Equivalent (OMHCE).
- (a) Data documenting the evaporative emissions performance of equipment when operated on certification fuel specified in "California Exhaust Emissions Standards and for 1995 and Later Small Off-Road Engines", adopted March 20, 1992, and last amended March 23, 1999, must be included in a certification application.
- (b) The test procedure for determining compliance with the standards for evaporative emissions from new small off-road engines are set forth in "Test Procedure for Determining Diurnal Evaporative Emissions from Small Off-Road Engines, TP-902, " adopted \_\_\_\_\_, which is incorporated by reference herein.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2485. Permeation Emissions Performance Standard.**

On or after the effective date set out herein, fuel tanks on equipment that use small off-road engines subject to this Article must not exceed the following permeation rates:

Permeation Rate Standard  
(grams per meter<sup>2</sup> per day)

Effective Date	Applicability	Requirement Tank Permeation	
January 1, 2005	New Equipment that use Gasoline Powered Small Off-Road Engines with Displacements < 65 cc	Fuel tank permeation emissions shall not exceed 1.0 grams per square meter per day as determined by TP-901.	
January 1, 2006	All Equipment that use Gasoline Powered Small Off-Road Engines	Fuel tank permeation emissions shall not exceed 1.0 grams per square meter per day as determined by TP-901.	
January 1, 2006	All In-use Equipment that use Gasoline Powered Small Off-Road Engines	Tank Age (years)	Permeation Limit
		0 – 1	1.0
		1 – 2	1.2
		2 – 3	1.4
		3 – 4	1.6
		4 – 5	1.8
		5 – 6	2.0
		6 – 7	2.2
		over 7	2.4

- (a) Data documenting the permeation rate of fuel tanks must be included in a certification application.
- (b) The test procedure for determining compliance with the standards for permeation rates from new non-metallic small off-road engine fuel tanks are set forth in “Test Procedure for Determining Fuel Tank Permeation Rates Using Gravimetric Analysis, TP-901,” adopted \_\_\_\_\_, which is incorporated herein by reference.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

#### **§2486. Optional Performance Standards.**

The Air Resources Board recognizes that evaporative emissions can be further reduced by incorporating advanced fuel system designs that reduce or eliminate carburetor emissions. These optional performance standards are emission targets that are more stringent than the performance standards set out in Section 2484 above. These optional standards will be part of a statewide clean air labeling program. When the program is implemented, manufacturers certifying to

these optional performance standards will have the option of affixing a “California Clean Air Label” on their equipment.

Optional Evaporative Emission Standards  
(Grams per 24-hour diurnal test)

Effective Date	Applicability	Requirement Total Hydrocarbons
January 1, 2006	All Walk-Behind Mowers with Small Off-Road Engines >65 cc to < 225 cc	Diurnal emissions shall not exceed 0.5 grams hydrocarbons per day as determined by TP-902
January 1, 2007	All Equipment that use Small Off-Road Engines with Displacements > 65 cc to < 225 cc	Diurnal emissions shall not exceed 0.5 grams total hydrocarbons per day as determined by TP-902
January 1, 2008	All Equipment that use Small Off-Road Engines with Displacements ≥ 225 cc	Diurnal emissions shall not exceed 1.0 grams total hydrocarbons per day as determined by TP-902

Optional Permeation Rate Standard  
(Grams per meter<sup>2</sup> per day)

Effective Date	Applicability	Requirement Tank Permeation
January 1, 2005	All Equipment that use Gasoline Powered Small Off-Road Engines	Fuel tank permeation emissions shall not exceed 0.5 grams per square meter per day as determined by TP-901.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2487. Test Procedures.**

- (a) Testing to determine compliance with Section 2484 of this article shall be performed using "Test Procedure TP-902, Test Procedure for Determining Diurnal Evaporative Emissions from Small Off-Road Engines" dated \*\*\*, which is incorporated by reference herein.
- (b) Testing to determine compliance with Section 2485 of this article shall be performed using "Test Procedure TP-901, Test Procedure for Determining Fuel Tank Permeation Rates Using Gravimetric Analysis" dated \*\*\*, which is incorporated by reference herein.
- (c) Testing to determine compliance with Section 2486 of this article shall be performed using "Test Procedure TP-901, Test Procedure for Determining Fuel Tank Permeation Rates Using Gravimetric Analysis" dated \*\*\*, and/or "Test Procedure TP-902, Test Procedure for Determining Diurnal Evaporative Emissions from Small Off-Road Engines" dated \*\*\*, as applicable, which are incorporated by reference herein. Test procedures referred to in this article may be obtained from the California Air Resources Board at 1309 T Street, Sacramento, California 95814 or over the Internet at <http://www.arb.ca.gov>.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2488. Design-Based Standards.**

On or after January 1, 2005, applicants seeking design-based certification as an alternative to a demonstration of compliance with the performance standards listed in §2484, and §2485 above, shall reference all Executive Orders approving the design of evaporative emission control equipment used on the equipment subject to this Article. Appendixes A, B, and C of CP-901 contain the design criteria for evaporative emission control equipment and approved designs.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2489. Equipment and Component Labeling.**

- (a) Purpose. The Air Resources Board recognizes that certain emissions-critical and/or emissions-related parts must be properly labeled in order to identify equipment that meets applicable evaporative emission standards. In addition, the Air Resources Board recognizes that information regarding emissions levels may influence consumer choice. These specifications



require equipment and/or engine manufacturers to affix a certification label (or labels) on each production equipment (or engine, as applicable).

- (b) **Applicability.** This section applies to equipment that use small off-road engines that have been certified to the applicable emission standards pursuant to Health and Safety Code Section 43013.
- (c) **Label Format and Location.** All label formats and locations must be submitted in conjunction with the equipment certification application. Approval of the specific maintenance settings is not required; however, the format for all such settings and tolerances, if any, is subject to approval.
- (d) **Certification Label Content.**
  - (1) A plastic or metal label must be welded, riveted or otherwise permanently attached by the equipment or engine manufacturer to an area on the engine or equipment in such a way that it will be readily visible.
  - (2) The engine label information must be written in the English language and use block letters and numerals (i.e., sans serif, upper-case characters) that must be of a color that contrasts with the background of the label.
  - (3) The engine label must contain the following information:
    - (A) The label heading must read: "IMPORTANT EMISSIONS INFORMATION."
    - (B) The full corporate name or trademark of the manufacturer.
      - (i) A manufacturer may request approval to delete its name and trademark, and substitute the name and trademark of another manufacturer, original equipment manufacturer, or third-party distributor.
      - (ii) Such an approval does not relieve the manufacturer of any requirements imposed on the applicable engines by this Article.
    - (C) Model year of equipment (YYYY).
    - (D) Equipment model.
    - (E) The date of equipment manufacture (month and year).
    - (F) Evaporative emissions family. Attachment 1 of the Small Off-Road Evaporative Emissions Control System Certification Procedures CP-901 contains the classification criteria for determining an evaporative family.
    - (G) Evaporative Emission Control System Components. For equipment that is certified to design-based standards, The label must reference Executive Orders approving evaporative emission components.
    - (H) The date of equipment manufacture (month and year).

(l) An unconditional statement of compliance with the appropriate calendar year (for 2005-2006) or model year (for 2005 and later) California regulations; for example, "THIS EQUIPMENT MEETS 2005 CALIFORNIA EVAPORATIVE EMISSION REQUIREMENTS FOR SMALL OFF-ROAD ENGINES."

- (e) **Label Location.** In selecting an acceptable location, the manufacturer must consider the possibility of accidental damage (e.g., possibility of tools or sharp instruments coming in contact with the label). Each engine label(s) must be affixed in such a manner that it cannot be removed without destroying or defacing the label, and must not be affixed to any engine (or equipment, as applicable) part that is likely to be replaced during the engine's (or equipment's, as applicable) useful life. The label must not be affixed to any component that is easily detached from the engine.
- (f) **Label Visibility.** As used in these specifications, readily visible to the average person means that a label is readable from a distance of 46 centimeters (18 inches) without any obstructions from equipment or engine parts (including all engine manufacturer or original equipment manufacturer (as applicable) available optional equipment) except for flexible parts (e.g., vacuum hoses, ignition wires) that can be moved out of the way without disconnection. Alternatively, information required by these specifications to be printed on the equipment and/or engine (as applicable) must be no smaller than 2 millimeters in height provided that no equipment or engine parts (including all manufacturer available optional equipment), except for flexible parts, obstruct the label(s).
- (g) **Label Durability.** The labels and any adhesives used must be designed to withstand, for the equipment's useful life, typical equipment environmental conditions in the area where the labels required by this section are attached. Typical equipment environmental conditions include, but are not limited to, exposure to engine fuels, lubricants and coolants (e.g., gasoline, motor oil, water, and ethylene glycol). The engine manufacturer must submit, with its certification application, a statement attesting that its labels comply with these requirements.
- (h) **Component Labeling.** Labeling of evaporative emission components is required. Any coding scheme that uniquely identifies the manufacturer, date of manufacture, and material composition. Additionally, for manufacturers certifying by design, the component label must include all Executive Order(s) approving the design.
- (i) **Conformance with Federal Requirements.** A label may state that the equipment conforms to any applicable federal evaporative emission standards for new equipment; or any other information that the

manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the engine.

- (j) Sample Label Submission. Samples of all actual production labels used within an evaporative family must be submitted within thirty days after the start of production. Manufacturers must provide samples of their own applicable production labels, and samples of applicable production original equipment manufacturer labels that are accessible to the engine manufacturers due to the direct market arrangement between such manufacturers.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

#### **§2490. Variances.**

- (a) Any person who cannot comply with the requirements set forth in Section 2483 and/or Section 2484, due to extraordinary reasons beyond the person's reasonable control, may apply in writing for a variance. The variance application must set forth:
  - (1) the specific grounds upon which the variance is sought;
  - (2) the proposed date(s) by which compliance with the provisions of Section 2483 and/or Section 2484 will be achieved; and
  - (3) a compliance report detailing the method(s) by which compliance will be achieved.
- (b) Upon receipt of a variance application containing the information required in subsection (a), the Executive Officer shall hold a public hearing to determine whether, under what conditions, and to what extent, a variance from the requirements in Section 2483 and/or Section 2484 is necessary and will be permitted. A hearing will be initiated no later than 75 days after receipt of a variance application. Notice of the time and place of the hearing must be sent to the applicant by certified mail not less than 30 days before to the hearing. Notice of the hearing must also be submitted for publication in the California Regulatory Notice Register and sent to every person who requests such a notice, not less than 30 days before the hearing. The notice must state that the parties may, but not need to be, represented by counsel at the hearing. At least 30 days before the hearing, the variance application must be made available to the public for inspection. Interested members of the public must be allowed a

reasonable opportunity to testify at the hearing and their testimony must be considered.

- (c) No variance may be granted unless all of the following findings are made:
  - (1) that, due to reasons beyond the reasonable control of the applicant, required compliance with Section 2483 and/or Section 2484 would result in extraordinary economic hardship;
  - (2) that the public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding any increased emissions of air contaminants that would result from issuing the variance; and
  - (3) that the compliance report proposed by the applicant can reasonably be implemented, and will achieve compliance as expeditiously as possible.
- (d) Any variance order shall specify a final compliance date by which the requirements of Section 2483 and/or 2484 will be achieved. Any variance order shall contain a condition that specifies increments of progress necessary to assure timely compliance, and such other conditions that the Executive Officer, in consideration of the testimony received at the hearing, finds necessary to carry out the purposes of Division 26 of the Health and Safety Code.
- (e) A variance shall cease to be effective upon failure of the party to whom the variance was granted to comply with any term or condition of the variance.
- (f) Upon the application of any person, the Executive Officer may review, and for good cause, modify or revoke a variance from requirements of Section 2483 and/or Section 2484 after holding a public hearing in accordance with the provisions of subsection (b).

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

#### **§2491. Inspection.**

The Executive Officer, or an authorized representative of the Executive Officer, may periodically inspect manufacturers of equipment and/or engines or fuel tanks subject to this Article as deemed necessary to ensure compliance with these regulations. Failure of a manufacturer, distributor, or retailer or other person

subject to this Article to allow access for inspection purposes shall be grounds for suspension or revocation of certification.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2492. Denial, Suspension or Revocation of Certification.**

- (a) The Executive Officer for just cause may deny, suspend or revoke an Executive Order of Certification in any of the following circumstances:
  - (1) An Applicant or certification holder has materially misrepresented the meaning, findings, effect or any other material aspect of the certification application, including submitting false or incomplete information in its application for certification regardless of the Applicant's personal knowledge of the falsity or incompleteness of the information;
  - (2) A certification holder uses a label other than the label approved on any equipment, or the label used otherwise fails to comply with the requirements of this Article.
- (b) An Applicant or certification holder may be denied certification or be subject to a suspension or revocation action pursuant to this section based upon the actions of an agent, employee, licensee, or other authorized representative.
- (c) The Executive Officer shall notify the Applicant or certification holder by certified mail of any action taken by the Executive Officer to deny, suspend or revoke any certification granted under this Article. The notice shall set forth the reasons for and evidence supporting the action(s) taken. A suspension or revocation is effective upon receipt of the notification.
- (d) A certification holder may request that the suspension or revocation be stayed pending a hearing under section 2494. In determining whether to grant the stay, the hearing officer shall consider the reasonable likelihood that the certification holder will prevail on the merits of the appeal and the harm the certification holder will likely suffer if the stay is not granted. The Executive Officer shall deny the stay if the adverse effects of the stay on the public health, safety, and welfare outweigh the harm to the certification holder if the stay is not granted.
- (e) Once an Executive Order of Certification has been suspended pursuant to (a) above, the Applicant or certification holder must satisfy and correct all noted reasons for the suspension and submit a written report to the Executive Officer advising him or her of all such steps taken by the

Applicant or certification holder before the Executive Officer will consider reinstating the certification.

- (f) After the Executive Officer suspends or revokes an Executive Order of Certification pursuant to this section and prior to commencement of a hearing under section 2494, if the Applicant or certification holder demonstrates to the Executive Officer satisfaction that the decision to suspend or revoke the certification was based on erroneous information, the Executive Officer will reinstate the certification.
- (g) Nothing in this section shall prohibit the Executive Officer from taking any other action provided for by law for violations of the Health and Safety Code.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Health and Safety Code.

#### **§2493. Appeals.**

Any person whose application for certification or certification has been denied, suspended, or revoked may request a hearing to review the action as provided herein.

- (a) Hearing Procedure.

Except as provided for in section 2494(b) below, any appeal pursuant to this section 2494 shall be conducted in accordance with the Administrative Hearing Procedures for Petitions for Review of Executive Officer Decisions, Title 17 California Code of Regulations, Division 3. Chapter 1 Article 2, commencing with section 60055.1.

- (b) Review by written submission.

- (1) In lieu of the hearing procedure set forth in (a) above, a manufacturer may request that a review of the Executive Officer's decision be conducted by a hearing officer solely by written submission.
- (2) A manufacturer may request a review of the Executive Officer's decision to deny, suspend or revoke a certification no later than 20 days from the date of issuance of the notice of the denial, suspension, or revocation. Such request shall include, at a minimum, the following:
  - (A) name of the manufacturer, the name, address and telephone number of the person representing the manufacturer and a

statement signed by a senior officer of the manufacturer warranting that the representative has full authority to bind the manufacturer as to all matters regarding the appeal;

- (B) copy of the Executive Order granting certification and the written notification of denial;
  - (C) a statement of facts and explanation of the issues to be raised setting forth the basis for challenging the denial, suspension, or revocation (conclusory allegations will not suffice) together with all documents relevant to those issues; and
  - (D) the signature of the representative named in (A) above.
- (3) Upon receipt of a request for review, the request shall be referred to the administrative hearing office of the state board for assignment of a hearing officer.
- (4) Within 15 days of appointment of a hearing officer:
- (A) ARB staff shall submit a written response to the manufacturer's submission and documents in support of the Executive Officer's action no later than 10 days after receipt of the manufacturer's submission;
  - (B) within 7 days of receipt of the ARB response, the manufacturer may submit one rebuttal statement which shall be limited to the issues raised in the ARB rebuttal;
  - (C) if the manufacturer submits a rebuttal, ARB staff may, within 7 days of receipt of the manufacturer's rebuttal, submit one rebuttal statement which shall be limited to the issues raised in the manufacturer's rebuttal; and
  - (D) the hearing officer shall receive all statements and documents and render a written decision. The hearing officer's decision shall be mailed to the manufacturer no later than 60 working days after the final deadline for submission of papers.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section \*\*\* Health and Safety Code.

#### **§2494. Penalties.**

In addition to suspension or revocation of certification as provided in section 94212, ARB may seek penalties under Health and Safety Code Division 26, Part 4., Chapter 5 for any violation of these regulations.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

**§2496. Severability**

Each part of this article is severable, and in the event that any part of this article is held to be invalid, the remainder of this article remains in full force and effect.

NOTE: Authority cited: Sections 39600 and 39601 Health and Safety Code.  
Reference: Section Health and Safety Code \*\*\*.

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